



ATTORNEY DOCKET NUMBER: 2001180-0075 (HU 1917))

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Schreiber *et al.*
Serial No.: 10/621,276
Filed: July 17, 2003
Title: DIOXANES AND USES THEREOF

Examiner: Ward, P. V.
Art Unit: 1623

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. § 1.132

I, Stuart L. Schreiber, declare as follows:

1. I am an inventor of the subject matter disclosed and claimed in United States patent application Serial Number 10/621,276, filed July 17, 2003, and entitled "DIOXANES AND USES THEREOF".

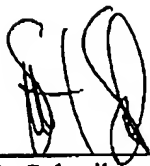
2. This Declaration is presented for the purpose of removing from consideration by the Examiner the following three references:

(a) Sternson *et al.*, "Synthesis of 7200 Small Molecules Based on a Substructural Analysis of the Histone Deacetylase Inhibitors Trichostatin and Trapoxin," *Org. Lett.* 3(26):4239-4242, 2001;

(b) Kuruvilla *et al.*, "Dissecting glucose signaling with diversity-oriented synthesis and small-molecule microarrays," *Nature*, 416:653-657, 2002; and

(c) Sternson *et al.*, "Split-Pool Synthesis of 1,3-Dioxanes Leading to Arrayed Stock Solutions of Single Compounds Sufficient for Multiple Phenotypic and Protein-Binding Assays," *J. Am. Chem. Soc.* 123:1740-47, 2001.

3. The present Declaration is presented in accordance with *In re Katz*, 687 F.2d 450, 215 USPQ 14 (CCPA 1982) and establishes that the allegedly anticipatory material in the three articles cited in paragraph 2 were not invented by another.
4. Scott M. Sternson, Jason C. Wong, Christina M. Grozinger, Stephen J. Haggarty, Kathryn M. Koeller, and I are the inventors on the above-referenced application.
5. Scott M. Sternson, Jason C. Wong, Christina M. Grozinger, and I are the co-authors of Sternson *et al.*, *Org. Lett.* 3(26):4239-4242, 2001. Therefore, all of the co-authors of this paper are also co-inventors on the above-referenced application.
6. Finny G. Kuruvilla, Alykhan F. Sham, Scott M. Sternson, Paul J. Hergenrother, and I are the co-authors of Kuruvilla *et al.*, *Nature*, 416:653-657, 2002. Finny G. Kuruvilla, Alykhan F. Sham, and Paul J. Hergenrother are not inventors of the claimed invention of the above-referenced application.
7. Scott M. Sternson, Joseph B. Louca, Jason C. Wong, and I are the co-authors of Sternson *et al.*, *J. Am. Chem. Soc.* 123:1740-47, 2001. Joseph B. Louca is not an inventor of the claimed invention.
8. Kuruvilla, Sham, Hergenrother, and Louca were working under my direction when they participated in the research which was described in the above scientific articles.
9. I, Stuart L. Schreiber, declare that all statements made herein of my own knowledge are true and that these statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like are made punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patents that may issue thereon.



Stuart L. Schreiber, Ph.D.

March 14, 2006

Date

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